

REMARKS

In the Office action, the examiner rejected independent claim 11 under 35 U.S.C. § 102(b) as being anticipated by Ramsey (US 5,858,195).

Amended claim 11 recites forming a first particle separating channel having an end and a length, the first particle separating channel adapted to cause particles to separate and focus along its length. A second particle separating channel is formed. This channel is formed along the length of the first particle separating channel, near an anticipated focus point for at least some of the separated particles. The second particle separating channel is transverse to the first particle separating channel and in communication therewith.

Ramsey does not disclose a first particle separating channel that is adapted to cause particles to separate and focus along its length. According to the examiner's rejection of claim 11, a first particle separating channel may be from reservoir 12G, 14G, 16G, or 18G toward point 40G. *See* paper No 20051206, page 2; Ramsey Figure 30. Ramsey does not separate particles so that they focus along the length of any channel between a respective reservoir and point 40G.

For example, reservoirs 12G and 14G receive a plasmid (pBR322) and restriction enzyme (Hinf I) respectively. Column 30, line 4—column 31, line 51. The remaining reservoirs receive a buffer solution without any biological material such as a plasmid or an enzyme. *Id.* The plasmid and the enzyme migrate to the reaction chamber 42G via channels 26G and 28G respectively. *Id.* The plasmid is digested in the reaction chamber 42G; while the plasmid is digesting all electrical potentials are removed. *Id.* It is only after digestion that fragments may undergo separation in channel 34G. *Id.* Thus, channel 34G is the only channel that Ramsey discloses as being a separation channel and is the only channel that Ramsey calls a separation channel. *See, e.g.*, column 6, line 60—column 8, line 20. The other reservoirs and channels have nothing to do with separating particles. For example, 26G and 28G merely transport the plasmid and enzyme respectively to the reaction chamber 42G. Thus, Ramsey does not disclose a first and a second particle separating channel.

Moreover, even if reservoirs 12G and 14G toward point 40G are considered to be first particle separating channels, which they are not, Ramsey does not disclose particle separation and focusing along the length of the channels. If anything, the undigested plasmid as a whole

and enzyme are merely transported to an end—reaction chamber 42G. Thus Ramsey's alleged first particle separating channel does not cause particles to separate and focus along its length.

Additionally, Ramsey does not teach a second particle separating channel that is formed along the length of a first particle separating channel. In the Office action the examiner identified channel 34G as disclosing a second particle separating channel. *See* paper No 20051206, page 2; Ramsey Figure 30. Referring to Figure 30, the channel 34G terminates at an end of the reaction chamber 42G. Therefore, the channel 34G is at the end of the alleged first particle separating channel, not along its length.

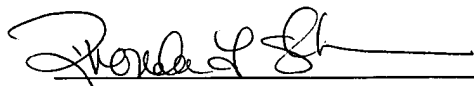
For at least the reasons stated above Ramsey does not anticipate amended claim 11. As Ramsey does not anticipate amended claim 11, this claim and claims dependent thereon are in condition for allowance. Under a similar analysis, amended independent claim 21 and its dependent claims are also patentable over Ramsey.

In the Office action the examiner indicated that dependent claims 24 and 25 include allowable subject matter. Paper No. 20051206, page 4. This subject matter, or subject matter similar thereto, has been incorporated in new claim 31. For this reason, new claim 31 and its dependent claims are in condition for allowance.

Because the above-referenced application is in condition for allowance the examiner is requested to pass the application to issue.

Respectfully submitted,

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